

**Introduced by Senator Perata**

February 22, 2005

---

An act to amend Section 49069.5 of, to add Section 42285.4 to, the Education Code, and to repeal Section 4 of Chapter 480 of the Statutes of 1992, relating to public records.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 821, as introduced, Perata. Foster children: pupil transfers.

Existing law provides that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county placing agency, as defined. Existing law requires the county placing agency, as soon as it becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer. Existing law requires the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the next educational placement.

This bill would provide that a local educational agency within a Class 1 county would be required to transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement within 5 days upon receiving the transfer request.

Existing law requires a county superintendent of schools to make specified computations for each district with fewer than 2,501 units of average daily attendance, on account of each necessary high school. Existing uncodified law make the River Delta Unified School District eligible to receive apportionments pursuant to the schedule and criteria for small necessary high schools, as defined, if the district has no more than 3,000 units of average daily attendance.

This bill would codify that authority and correct an erroneous code section reference.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49069.5 of the Education Code is  
2 amended to read:

3 49069.5. (a) The Legislature finds and declares that the  
4 mobility of pupils in foster care often disrupts their educational  
5 experience. The Legislature also finds that efficient transfer  
6 procedures and transfer of pupil records is a critical factor in the  
7 swift placement of foster children in educational settings.

8 (b) The proper and timely transfer between schools of pupils  
9 in foster care is the responsibility of both the local educational  
10 agency and the county placing agency.

11 (c) As soon as the county placing agency becomes aware of  
12 the need to transfer a pupil in foster care out of his or her current  
13 school, the county placing agency shall contact the appropriate  
14 person at the local educational agency of the pupil. The county  
15 placing agency shall notify the local educational agency of the  
16 date that the pupil will be leaving the school and request that the  
17 pupil be transferred out.

18 (d) ~~(1) Upon~~ *Subject to paragraph (2), upon* receiving a  
19 transfer request from a county placing agency, the local  
20 educational agency shall, within two business days, transfer the  
21 pupil out of school and deliver the educational information and  
22 records of the pupil to the next educational placement.

23 *(2) In a Class 1 county, as defined in Subdivision (a) of*  
24 *Section 2562, upon receiving a transfer request from a county*  
25 *placing agency, the local educational agency shall, within five*  
26 *business days, transfer the pupil out of school and deliver the*  
27 *educational information and records of the pupil to the next*  
28 *educational placement.*

29 (e) As part of the transfer process described under  
30 subdivisions (c) and (d), the local educational agency shall  
31 compile the complete educational record of the pupil including a  
32 determination of seat time, full or partial credits earned, current  
33 classes and grades, immunization and other records, and, if

1 applicable, a copy of the pupil's plan adopted pursuant to Section  
2 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794  
3 et seq.) or individualized education program adopted pursuant to  
4 the federal Individuals with Disabilities Education Act (20  
5 U.S.C. Sec. 1400 et seq.).

6 (f) The local educational agency shall assign the duties listed  
7 in this section to a person competent to handle the transfer  
8 procedure and aware of the specific educational record keeping  
9 needs of homeless, foster, and other transient children who  
10 transfer between schools.

11 (g) The local educational agency shall ensure that if the pupil  
12 in foster care is absent from school due to a decision to change  
13 the placement of a pupil made by a court or placing agency, the  
14 grades and credits of the pupil will be calculated as of the date  
15 the pupil left school, and no lowering of grades will occur as a  
16 result of the absence of the pupil under these circumstances.

17 (h) The local educational agency shall ensure that if the pupil  
18 in foster care is absent from school due to a verified court  
19 appearance or related court ordered activity, no lowering of his or  
20 her grades will occur as a result of the absence of the pupil under  
21 these circumstances.

22 SEC. 2. Section 42285.4 is added to the Education Code, to  
23 read:

24 42285.4. Notwithstanding any other provision of law, River  
25 Delta Unified School District is eligible to receive  
26 apportionments pursuant to the schedule and criteria for small  
27 necessary high schools, as described in Section 42284, if the  
28 district has no more than 3,000 units of average daily attendance.

29 SEC. 3. Section 4 of Chapter 480 of the Statutes of 1992 is  
30 repealed.

31 ~~SEC. 4. Notwithstanding any other provision of law, River~~  
32 ~~Delta Unified School District shall be eligible to receive~~  
33 ~~apportionments pursuant to the schedule and criteria for small~~  
34 ~~necessary high schools set forth in Section 42282 of the~~  
35 ~~Education Code if the district has no more than 3,000 units of~~  
36 ~~average daily attendance.~~